

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: OCTOBER 4, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: EOT-16026 - APPLICANT/OWNER: FISHER BROTHERS LAS VEGAS, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on November 3, 2008 unless another Extension of Time is approved by the Planning Commission.
2. Conformance to the Conditions of Approval for Special Use Permit (SUP-5107) and all other subsequent related applications and as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
09/16/92	The City Council approved a Special Use Permit (U-0168-92) application for a 14-foot by 48-foot off-premise advertising (billboard) sign, at 2900 Sirius Avenue subject to a 5-year review. The Board of Zoning Adjustment and staff both recommended approval.
06/15/94	The City Council approved a Variance (V-0058-94) application to allow an off-premise advertising (billboard) sign to be located 600 feet from another off-premise advertising (billboard) sign where 750 feet is required at 2900 Sirius Avenue. The Board of Zoning Adjustment recommended approval. Staff recommended denial.
11/10/97	The City Council approved a Required Five Year Review [U-0168-92 (1)] for 14-foot by 48-foot off-premise advertising (billboard) sign at 2900 Sirius Avenue, subject to another 5-year review. The Planning Commission and staff both recommended approval.
02/19/03	The City Council approved a Required Five Year Review (RQR-1143) of an approved Special Use Permit (U-0168-92), which allowed a 40-foot tall, 14-foot by 48-foot off-premise advertising (billboard) sign at 2900 Sirius Avenue. The Planning Commission and staff both recommended approval on 11/21/02.
11/03/04	The City Council approved a General Plan Amendment (GPA-5097) to amend a portion of the Southeast Sector Plan of the General Plan from LI/R (Light Industrial/Research) to SC (Service Commercial); a Rezoning (ZON-5103) from M (Industrial) to C-1 (Limited Commercial); Special Use Permit (SUP-5107) application for a proposed 50-story, 560-foot tall mixed-use development and a Site Development Plan Review (SDR-5104) for a 50-story mixed-use condominium project with 20,000 square feet of retail uses. The Planning Commission and staff recommended approval on 10/07/04.
10/04/06	The City Council will consider two related Extension of Time applications. Extension of Time (EOT-16027) of an approved Site Development Plan Review (SDR-5104) that allowed a 50-story, 560-foot tall mixed-use development containing 700 residential units and 20,000 square feet of retail uses and Extension of Time (EOT-16028) of an approved Rezoning (ZON-5103) from M (Industrial) to C-1 (Limited Commercial).
<i>Related Building Permits/Business Licenses</i>	
	There is no building permit or business license information related to the subject site.
<i>Pre-Application Meeting</i>	
	A pre-application meeting is not required for an Extension of Time request.
<i>Neighborhood Meeting</i>	
	A neighborhood meeting is not required for an Extension of Time request, nor was one held.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	5.25
Net Acres	4.32

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Scandia Amusement Center	C (Downtown - Commercial)	M (Industrial) Under Resolution of Intent to C-1 (Limited Commercial)
North	Offices	LI/R (Light Industrial/Research)	M (Industrial)
South	Vacant building	C (Downtown - Commercial)	M (Industrial) Under Resolution of Intent to C-1 (Limited Commercial)
East	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way)	R.O.W. (Right-of-Way)
West	Warehouses	LI/R (Light Industrial/Research)	M (Industrial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O Airport Overlay District	X		Y
Trails		X	
Rural Preservation Overlay District		X	
Development Impact Notification Assessment		X	
Project of Regional Significance	X		

ANALYSIS

This is the first Extension of Time for the subject Special Use Permit (SUP-5107). The Special Use Permit allowed a proposed 50-story, 560-foot tall mixed-use development on 5.25 acres. The Special Use Permit and associated cases were approved by the City Council on 11/03/04. There was an associated General Plan Amendment (GPA-5097), Rezoning (ZON-5103) and Site Development Plan Review (SDR-5104) also approved. The applicant indicates that a new owner has acquired the subject property, which is evidenced by the County Assessor's Office. Civil plans and a final map have not been submitted. Therefore, the Extension of Time can be supported to allow for additional time due to delays in the design and construction process.

Previous Conditions of approval from Special Use Permit (SUP-5107)

Planning and Development

1. Conformance to all minimum requirements listed in Title 19.04.050 for a Mixed-Use development.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-5104).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.

FINDINGS

The following findings must be made for a Special Use Permit:

1. “The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”

The design of the development adequately separates the commercial and residential components, and will not be significantly impacted by the adjacent land uses.

2. “The subject site is physically suitable for the type and intensity of land use proposed.”

The proposed development will result in a residential density of approximately 133 units per acre, which is appropriate for an urban area. The site has frontage on three public rights-of-way, which provides excellent access to the site and adequate separation from adjacent properties. In addition, the site is adjacent to Interstate 15, which provides further buffering on the east side of the development.

3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”

Rancho Drive, a 50-foot public Right-of-Way and Sirius Avenue and Rigel Avenue, both of which are 60-foot public Rights-of-Way, will provide adequate access to the site.

4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”

Approval of the Special Use Permit is consistent with the General Plan, and will not compromise public health, safety, or welfare.

5. The use meets all of the applicable conditions per Title 19.04.

As conditioned, the proposed use meets the applicable conditions per Title 19.04.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0